

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TEAMSTERS LOCAL UNION NO. 727)	
HEALTH AND WELFARE FUND,)	
and TEAMSTERS LOCAL UNION NO.)	
727 LEGAL AND EDUCATIONAL)	
ASSISTANCE FUND,)	
)	
Plaintiffs,)	No. 08 C 451
v.)	
)	Judge Coar
THE TANNER GROUP, INC., an Illinois)	
Corporation,)	Mag. Judge Cox
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiff and moves this Honorable Court to vacate Order of Dismissal entered on March 31, 2008, a copy of which is attached hereto as Plaintiff's Exhibit "A", and to reinstate Plaintiff's cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiff's Motion, Plaintiff states as follows:

- 1) That pursuant to Settlement Agreement, executed by the parties, a copy of which is attached hereto as Plaintiff's Exhibit "B," the parties agreed to a dismissal of the pending action.
- 2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 2 thereof, the Defendant made only six payments, the last of which

was in August of 2008, and has failed to remit the payments due for September 2008, and the months thereafter.

WHEREFORE, in accordance with the provisions of the Order of Dismissal, Exhibit "A", Plaintiff prays that the Order of Dismissal be vacated instanter, Plaintiff's cause of action be reinstated, and that judgment enter in favor of Plaintiff and against the Defendant in the amount of \$47,681.66, as and for the outstanding balance of delinquencies calculated pursuant to the Settlement Agreement, which amount does not include any current delinquencies which may be due.

That Plaintiff also prays that judgment enter for Plaintiff's attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Stipulation to Dismiss.

/s/ Robert B. Greenberg
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Dated: March 4, 2009